

111TH CONGRESS
2^D SESSION

H. R. 4634

To limit the authority of the Secretary of Commerce to implement certain fishery closures unless the Secretary certifies that closure is the only option available for maintaining a fishery at a sustainable level, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 22, 2010

Mr. BROWN of South Carolina (for himself, Mr. MCINTYRE, Mr. WILSON of South Carolina, Mr. MICA, Mr. BARRETT of South Carolina, Mr. JONES, and Ms. KOSMAS) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To limit the authority of the Secretary of Commerce to implement certain fishery closures unless the Secretary certifies that closure is the only option available for maintaining a fishery at a sustainable level, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transparency in Job
5 Loss from Fishery Closures Act of 2010”.

1 **SEC. 2. SECRETARIAL REQUIREMENTS.**

2 (a) CERTIFICATION REQUIREMENT.—The Secretary
3 may not implement a closure of a directed fishery pursu-
4 ant to the Magnuson-Stevens Fishery Conservation and
5 Management Act (16 U.S.C. 1801 et seq.) that would have
6 a direct or indirect affect of at least \$50,000 on each of
7 more than 25 small businesses that do business related
8 to the recreational, charter, or commercial fishing indus-
9 tries involved in the fishery being closed, unless the Sec-
10 retary has certified that—

11 (1) the fishery closure is the only option avail-
12 able for maintaining the fishery at a sustainable
13 level;

14 (2) the stock assessment for the fishery has
15 been updated and peer reviewed within the preceding
16 3-year period; and

17 (3) the stock assessment was developed using at
18 least 2 models that were subjected to outside peer
19 review prior to such use.

20 (b) APPLICATION TO EXISTING CLOSURES.—The
21 Secretary shall—

22 (1) review any fishery closure for which notice
23 was published in the Federal Register within the 12-
24 month period preceding the date of enactment of
25 this Act, and—

1 (A) within the 60-day period beginning on
2 such date of enactment, make the certification
3 described in subsection (a)(1) with respect to
4 such closure; or

5 (B) within the 90-day period beginning on
6 such date of enactment, review and implement
7 options other than closure for maintaining the
8 fishery at a sustainable level;

9 (2) review the effects of each such closure on
10 coastal communities, including—

11 (A) the direct and indirect impact of the
12 closure on all affected small businesses in such
13 communities;

14 (B) the job losses as a result of the closure
15 that have already occurred in such commu-
16 nities; and

17 (C) the job losses as a result of the closure
18 that are expected to occur in such communities
19 within the 1-year period beginning on the date
20 the review is initiated; and

21 (3) report to Congress on the actions taken
22 under this subsection for each such closure.

23 **SEC. 3. REPORT TO CONGRESS.**

24 The Secretary shall report to Congress by not later
25 than 120 days after the date of enactment of this Act on—

1 (1) the number of fishery closures that were es-
2 tablished within the 5-year period preceding such
3 date of enactment;

4 (2) the reason for each such closure;

5 (3) the duration of each such closure;

6 (4) the impact of each such closure on coastal
7 communities; and

8 (5) the expected duration of each such closure.

9 **SEC. 4. DEFINITIONS.**

10 In this Act:

11 (1) **FISHERY.**—The term “fishery” has the
12 meaning that term has in the Magnuson-Stevens
13 Fishery Conservation and Management Act (16
14 U.S.C. 1801 et seq.).

15 (2) **SECRETARY.**—The term “Secretary” means
16 the Secretary of Commerce, acting through the Na-
17 tional Oceanic and Atmospheric Administration.

18 (3) **SMALL BUSINESS.**—The term “small busi-
19 ness” means any business that has had gross reve-
20 nues of less than \$500,000 per year for a minimum
21 of three years.

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